


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
**NOV 23 2005**  
  
CLERK

TRANSITIONAL LIVING CORPORATION,  
a South Dakota Nonprofit Corporation,

Plaintiff,

- vs -

LINCOLN COUNTY BOARD OF COUNTY  
COMMISSIONERS,

Defendant.

CIV. 05-4155

**CONSENT DECREE AND  
FINAL ORDER**

In the above-captioned matter, the Plaintiff Transitional Living Corporation ("TLC") having served a Summons and Complaint on the Lincoln County Board of County Commissioners ("County") on the 4th day of October, 2005, to recover damages and to secure equitable relief due to violations of the Fair Housing Act, 42 U.S.C. § 3601 et seq. (FHAA), as amended, the Americans With Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. (ADA), the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended and 42 U.S.C. §§ 1983 and 1988, and TLC and the County having entered into a Stipulation which has been filed with the Court, it is hereby

ORDERED that the Stipulation between the parties, executed as of November 23, 2005, is adopted by this Court with the consent of the parties; that Lincoln County shall abide by all state and federal fair housing laws; that the recovering alcoholic and chemically dependent individuals sought to be served by TLC are handicapped persons who fall within the protections of 42 U.S.C. § 3604; that the facility proposed by TLC pursuant to the Initial and Final Development Plan attached as Exhibit A to the Stipulation is a dwelling within the meaning of

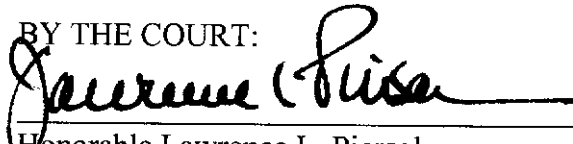
42 U.S.C. § 3604; that the County will not apply or enforce any family composition ordinance within the Lincoln County Zoning Ordinance to prevent, inhibit, or unreasonably regulate the use of one or more single-family residences by handicapped individuals in violation of the Fair Housing Act, 42 U.S.C. § 3601 et seq. (FHAA) as amended; that, as set forth in the Stipulation, the County shall be enjoined from applying or enforcing its ordinances, policies or regulations to prevent the remodeling, construction and operation of the TLC facility substantially as set forth in the Initial and Final Development Plan attached as Exhibit A to the Stipulation; and that the County shall reasonably accommodate TLC such that it may remodel, construct and operate said property(ies) as set forth in the Stipulation, which is incorporated by this reference; it is further

ORDERED that Plaintiff and Defendant shall execute mutual waivers and releases indicating that this Consent Decree and Final Order constitutes a full and final settlement of any and all claims that they have related to the subject matter of this lawsuit. The releases shall constitute a full and final settlement of any and all claims, known and unknown; and it is further

ORDERED that the Court shall retain jurisdiction of this matter to secure the enforcement of this Consent Decree.

Dated this 23<sup>rd</sup> day of November, 2005, at Sioux Falls, South Dakota.

BY THE COURT:

  
Honorable Lawrence L. Piersol  
United States District Judge

ATTEST:

JOSEPH A. HAAS, Clerk

By Sherry Margulies  
Deputy